

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RAYMOND TIBBETTS,	:	Case No. 1:03-cv-114
	:	
Petitioner,	:	District Judge Susan J. Dlott
	:	
v.	:	Chief Magistrate Judge Michael R. Merz
	:	
MARGARET BRADSHAW, Warden,	:	ORDER ADOPTING REPORT AND
	:	RECOMMENDATIONS AND
Respondent.	:	GRANTING CERTIFICATE OF
	:	APPEALABILITY ON PETITIONER'S
	:	FOURTH, FIFTH, AND NINETEENTH
	:	(PARTIAL) GROUNDS

This matter is before the Court on the Magistrate Judge's Report and Recommendations on Petitioner Raymond Tibbetts' Motion for a Certificate of Appealability (doc. 59); Petitioner's Objections to the Report (doc. 60); and Respondent's Opposition to Petitioner's Objections (doc. 61).

Petitioner moved for a certificate of appealability as to Claims Three, Four, Five, Eight, Nine, two sub-sections of Claim Nineteen, and Twenty-nine. (Doc. 55.) The Magistrate recommended that the Court issue a certificate of appealability on Petitioner's Fourth and Fifth Grounds for Relief and on the sub-claim of his Nineteenth Ground for Relief which claims error in failure to plead Proposition of Law 31. (Doc. 59 at 7.) Petitioner objected to the denial of a certificate of appealability as to his Third and two subsections of his Nineteenth Grounds for Relief.¹

¹ Petitioner's objection to the second sub-section of Claim Nineteen is MOOT since the Magistrate recommended a certificate of appealability as to that subsection.

Having reviewed the relevant pleadings and law *de novo*, the Court hereby **OVERRULES** Tibbetts' Objections and **ADOPTS** the Magistrate's thorough and well-reasoned Report in its entirety. Pursuant to the Report and the Court's review, the Court **GRANTS** Petitioner a Certificate as to the Fourth and Fifth Grounds for Relief and on the sub-claim of his Nineteenth Ground for Relief which claims error in failure to plead Proposition of Law 31.

IT IS SO ORDERED.

s/Susan J. Dlott
Susan J. Dlott
United States District Judge